

**TITLE 16. DENTAL HYGIENE COMMITTEE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS**

NOTICE IS HEREBY GIVEN that the Dental Hygiene Committee of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the:

Department of Consumer Affairs
1st Floor Hearing Room
2005 Evergreen Street
Sacramento, California on

April 26, 2010

10:00 a.m.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact in this Notice, must be received by the Dental Hygiene Committee of California (hereinafter "Committee") at its office not later than 5:00 p.m. on April 26, 2010, or must be received by the Committee at the hearing. The Committee, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 1906 of the Business and Professions Code, and to implement, interpret or make specific Sections 1916 and 1950 of the Business and Professions Code, and Penal Code Section 11105, the Board is considering changes to Division 11 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code Section 1906 authorizes the Committee to adopt, amend, or repeal, such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Article 9 of the Business and Professions Code. The Committee is proposing the following changes:

Adopt Section 1106 of Division 11 of Title 16 of the California Code of Regulations

This proposal would require a licensee to provide timely and accurate responses to inquiries and provide necessary documents needed by the Committee to investigate and take appropriate actions against a licensee convicted of a criminal offense that is substantially related to the practice of dental hygiene.

To conduct an investigation on whether a conviction is substantially related to a licensee's scope of practice, the Committee must review "certified" police reports, "certified" court documents and review documentation that substantiates compliance with probationary terms

and rehabilitation efforts. Without this information the Committee cannot make a final determination as to the appropriate action. This proposed language would enable the Committee to issue a citation and fine for failure to provide the necessary documentation in a timely manner. Due to the enormous volume of conviction documents that must be obtained from the various court houses throughout California and other states, it is critical that the licensee provide accurate court house and case number information.

Adopt Section 1107 of Division 11 of Title 16 of the California Code of Regulations

Business and Professions Code Section 1916 provides that every applicant for licensure shall furnish fingerprint cards for submission to state and federal criminal justice agencies to establish the identity of the applicant and to determine if the applicant has a record of any criminal convictions in California or in any other jurisdiction. This proposed regulation would also require a licensee who was never fingerprinted by the Committee or for whom a fingerprint record no longer exists, as a condition of renewal, to (a) furnish to the Department of Justice, as directed by the Committee, a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal criminal offender record information search conducted through the Department of Justice. Failure to do so would constitute a ground for disciplinary action by the Committee; (b) disclose on the renewal form whether he or she has been convicted of any violation of the law in this state or any other jurisdiction; and (c) failure to provide all required information may render the renewal application incomplete and ineligible for renewal.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Requires Reimbursement: None

Business Impact: The Committee has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Committee has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: Dental Hygienist, Dental Hygienist in Alternate Practice and Dental Hygienist with Extended Function who have not previously been fingerprinted for the Committee or for whom a fingerprint record no longer exists, will be required to be fingerprinted at the time of their license renewal, reactivation, or reinstatement. The cost for a person to get fingerprinted is approximately \$65.00. Of this fee, \$51.00 goes to the Department of Justice for conducting the background check and providing criminal record reports to the Committee; \$14.00 goes to the vendor for

fingerprinting the individual. The vendor's fee ranges from \$5.00 to \$45.00 with the average fee being \$14.00.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Committee has determined that the proposed regulations would not have a significant economic impact on small businesses. There are approximately 750 vendors statewide, including small businesses, which provide fingerprinting services. There should be no initial or ongoing cost impact upon the vendors because they are already equipped to provide the service, and the fingerprinting of the approximate 28,000 licensees will be extended over a two (2) year period.

CONSIDERATION OF ALTERNATIVES

The Committee must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Committee has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Hygiene Committee of California at 2005 Evergreen Street, Suite 1050, Sacramento, California 95815.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Traci Napper, Legislative Analyst
Address: 2005 Evergreen Street, Suite 1050
Sacramento, CA 95815
Telephone No.: (916) 263-2572
Fax No.: (916) 263-2688
E-Mail Address: Traci_Napper@dca.ca.gov

The backup contact person is:

Name: Lori Hubble, Executive Officer
Address: 2005 Evergreen Street, Suite 1050
Sacramento, CA 95815
Telephone No.: (916) 263-1978
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E-Mail Address: Lori_Hubble@dca.ca.gov

Website Access: Materials regarding this proposal can be found at the Committee's website:
www.dhcc.ca.gov.